

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MICHAEL JOSEPH HARASYN,

Plaintiff,

v.

**ORDER**

Civil File No. 13-3093 (MJD/FLN)

GREGORY EDWARD KRAUSE,  
KATHLEEN ANNE KRAUSE, and  
BETSY LOU HARASYN,

Defendants.

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Michael Joseph Harasyn, pro se.

Robert A. Manson, Robert A. Manson, PA, Counsel for Defendants Gregory Krause and Kathleen Krause.

Betsy Lou Harasyn, pro se.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed June 17, 2014. Plaintiff filed objections to the Report and Recommendation. The Krauses filed a response to Plaintiff's objection, to which Plaintiff objected as late. The Court will not strike the Krauses' response, as it had no effect on the Court's analysis in this matter.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Noel filed June 17, 2014.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed June 17, 2104 [Docket No. 27].
2. The Krauses' Motion for Dismissal Under Rule 12 [Docket No. 5] is **GRANTED**.
3. Plaintiff Michael Joseph Harasyn's Motion in Opposition of Defendants' Motion to Dismiss Under Rule 12 [Docket No. 14] is **DENIED**.
4. The claims brought against Defendant Betsy Harasyn are **DISMISSED**.
5. This matter is **DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 21, 2014

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court